

Introduced by Senator Murray

February 10, 1999

An act to amend Section 6201 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 350, as introduced, Murray. Presidential primary delegates and alternates.

Existing law required delegates and alternates for the Democratic presidential primary in 1992 to be selected by caucuses at specified times and dates and in a specified manner, in coordination with the presidential primary.

Existing law directs that the presidential primary be held on the first Tuesday in March in any year evenly divisible by the number 4, including, for example, the year 2000.

This bill would require that delegates and alternates for the March 7, 2000, Democratic presidential preference primary be selected by caucuses at specified times and dates and in a specified manner, in coordination with the date established for the presidential primary.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 6201 of the Elections Code is amended to read:

6201. (a) District level delegate positions shall be allocated to presidential preferences through a primary proportional representation system.

(b) The 227 district-level delegates and 38 alternates shall be elected by preprimary caucuses to slate delegates followed by a presidential preference primary.

(1) The preprimary caucuses shall be conducted on Sunday, ~~April 26, 1992~~ January 16, 2000, at 3 p.m.

(2) The presidential preference primary shall be conducted on Tuesday, ~~June 2, 1992~~ March 7, 2000.

(c) The 227 delegates and 38 alternates shall be apportioned to districts as follows:

CD #1— #___ delegates, #___ alternates

CD #2— #___ delegates, #___ alternates

CD #3— #___ delegates, #___ alternates

CD #4— #___ delegates, #___ alternates

This apportionment shall be based on a formula giving equal weight to the average vote for the Democratic candidates in the ~~1984 and 1988~~ 1996 presidential ~~elections~~ election, the 1998 gubernatorial election, and to Democratic Party registration.

~~Inasmuch as California anticipates the addition of seven new congressional districts, this apportionment shall be recomputed upon the establishment of the new districts. In the event the Legislature fails to enact new districts, the districts existing on the date of adoption of this plan shall be used.~~

(d) An individual may qualify as a candidate for district-level delegate or alternate to the ~~1992~~ 2000 Democratic National Convention by filing a statement of candidacy and pledge of support with the state chair at the party office at ~~2424 K~~ 911 20th Street, Sacramento, California ~~95816~~ 95814. Statements can be requested from the state party beginning Monday, ~~February 3, 1992~~

1 *November 6, 1999.* Candidacy statements can be
2 returned beginning ~~March 2, 1992~~ *December 4, 1999*, and
3 must be postmarked no later than 5 p.m., Thursday, ~~April~~
4 ~~9, 1992~~ *January 6, 2000*.

5 (1) All delegate candidates shall be identified as to
6 presidential preference, uncommitted or unpledged
7 status at all levels which determine presidential
8 preference.

9 (2) Candidates for delegate or alternate positions shall
10 file a statement of candidacy designating their
11 presidential or uncommitted preference and a signed
12 pledge of support for the presidential candidate
13 (including uncommitted status) with the state party by
14 5 p.m., ~~April 9, 1992~~ *January 6, 2000*.

15 (e) The California primary election is a “binding”
16 primary. Accordingly, delegate and alternate positions
17 shall be allocated so as to fairly reflect the expressed
18 presidential or uncommitted status of the primary voters
19 in each district. Therefore, the national convention
20 delegates elected at the district level shall be allocated in
21 proportion to the percentage of the primary vote won in
22 that district by each preference, except that preferences
23 falling below a ~~15-percent~~ *15 percent* threshold shall not
24 be awarded any delegates or alternates.

25 (f) If no presidential preference reaches a ~~15-percent~~
26 *15 percent* threshold, the threshold shall be the
27 percentage of the vote received at each level of the
28 delegate selection process by the ~~front-runner~~
29 *frontrunner* minus 10 percent.

30 (g) Presidential candidates shall certify their
31 authorized representatives to the state party chair no
32 later than 5 p.m., ~~March 9, 1992~~ *December 10, 1999*. The
33 state party chair shall convey to the presidential
34 candidate, or that candidate’s authorized representative
35 or representatives, not later than Tuesday, ~~April 14, 1992~~
36 *January 18, 2000*, at 5 p.m., a list of all persons who have
37 filed for delegate or alternate pledged to that presidential
38 candidate. Each presidential candidate, or that
39 candidate’s authorized representative or representatives,
40 shall file with the state party chair by Tuesday, ~~April 21,~~

1 ~~1992~~ January 25, 2000, at 5 p.m., a list of all the candidates
2 he or she has approved, provided that approval is given
3 to at least three times the number of candidates for
4 delegate and three times the number of candidates for
5 alternates to be selected. Failure to respond shall be
6 deemed approval of all delegate and alternate candidates
7 submitted to the presidential candidate unless the
8 presidential candidate, or the candidate's authorized
9 representative or representatives, signifies otherwise in
10 writing to the state party chair no later than Tuesday,
11 ~~April 21, 1992~~ January 25, 2000, at 5 p.m.

12 (h) On Sunday, ~~April 26, 1992~~ January 30, 2000,
13 candidate and uncommitted caucuses shall be held to
14 elect a slate of potential delegates equal to at least the
15 number of delegates plus alternates allocated to the
16 congressional district. The California delegation shall be
17 equally divided between delegate men and delegate
18 women, and alternate men and alternate women. These
19 goals apply to the California delegation as a whole.
20 Delegates and alternates shall be considered separate
21 groups for purposes of achieving equal division.

22 Provisions for achieving equal division at the district
23 level shall be as follows: Each candidate and
24 uncommitted caucus shall elect a slate of potential
25 delegates equal to at least the number of delegates plus
26 alternates allocated to that congressional district.
27 Potential delegates shall be ranked on the basis of votes
28 received at the caucus, alternating by sex, with the sex of
29 the ~~top-ranked~~ *top-ranked* potential delegate
30 determined by the ~~top-vote-getter~~ *votegetter*. After the
31 delegates are selected, the alternates shall then be
32 selected, using the next highest ~~vote-getters~~ *votegetters*
33 in the process described above. Following the primary,
34 delegate and alternate positions allocated to a
35 presidential candidate or uncommitted delegation shall
36 be filled from the list of ranked potential delegates in the
37 order in which they are ranked.

38 (i) The State Democratic Chair shall certify in writing
39 to the Secretary of the Democratic National Committee
40 (DNC) the election of the state's district level delegates

1 and alternates to the Democratic National Convention
2 within three days after their election.

3 SEC. 2. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or
5 safety within the meaning of Article IV of the
6 Constitution and shall go into immediate effect. The facts
7 constituting the necessity are:

8 In order that this bill may take effect as soon as possible
9 in order to facilitate preparation for the March 7, 2000,
10 state primary election, it is necessary that this act take
11 effect immediately.

